

# EXHIBIT 9

1200 Pennsylvania Avenue NW  
Washington, DC 20229



**U.S. Customs and  
Border Protection**

August 9, 2023

Mr. Florentino Luera  
[REDACTED]

Dear Mr. Luera:

The purpose of this letter is to request your written permission to enter upon your land in accordance with the enclosed Right of Entry for Survey and Site Assessment (ROE-S) and accompanying map. Once you have had an opportunity to review the enclosed documents, we invite you to call or email the below listed point of contact to review the material with you and/or to address any questions you may have.

You are receiving this letter because the U.S. Government has identified a portion of your property that we wish to access for the purpose of conducting environmental assessments, property surveys, appraisals and any other such work which may be necessary and incidental to the Government's assessment of the property for possible acquisition in support of U.S. Customs and Border Protection's (CBP) construction of border infrastructure and other funded tactical infrastructure projects.

Border security tactical infrastructure, such as barrier, detection technology, and roads, are critical elements to gain effective control of our Nation's borders. The purpose of border security infrastructure is to deter illicit cross-border activity such as drug smuggling, human smuggling, border violence and illegal entry into the United States.

The planned assessments outlined in the ROE-S are scheduled to occur intermittently over the time period specified in the document. Only the portion of your property that may be affected by construction of border security tactical infrastructure, as shown on the map of the enclosed ROE-S, will be environmentally assessed by the U.S. Government, its agents, employees, and contractors. The ROE-S is required for access to the entire parcel, if necessary, for the surveyor to physically locate the project area in alignment with adjoining property boundaries. State law requires the surveyor to produce work of sufficient quality as to prevent boundary line disputes and be technically unbiased for all impacted parties. By signing this form, you are granting written permission to the U.S. Government, its agents, employees, and contractors to conduct the assessment activities described. Those activities may commence immediately following execution of the document.

We hope that you and other landowners in the Rio Grande Valley will assist us in our strategic efforts to secure our Nation's borders. Enclosed for your review are three copies

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of the ROE-S form. If you have no further questions, please retain one copy of the ROE-S for your records and return two signed copies in the enclosed, pre-addressed and postage paid envelope. Upon receipt of your signed copies, the U.S. Government will complete and return a fully executed copy for your records. If you are acting in an agent capacity for a corporation or organization, please fill in the Certificate for Corporations and Partnerships found on page 3. If your property is currently under lease, license or is otherwise occupied, please have the tenant or licensee fill in the right-of-entry portion for tenant information so consent from that individual can be obtained as well.

CBP is collaborated with the U.S. Army Corps of Engineers (USACE) on real estate efforts to support the work effort described above. Should you have any questions please contact Erin Corby, USACE Realty Specialist, 817-886-1089 or e-mail erin.c.corby@usace.army.mil.

Sincerely,



Paul Enriquez  
Director – Infrastructure Portfolio  
Program Management Office Directorate  
U.S. Border Patrol  
U.S. Customs and Border Protection

Enclosure

CM: 7020 3160 0001 0959 3149  
RM

Border Infrastructure Project(s)

DACW63-9-23-

Tract No: RGV-RGC-1007

U.S. CUSTOMS AND BORDER PROTECTION

DEPARTMENT OF HOMELAND SECURITY

Right-of-Entry For Survey and Site Assessment

The undersigned, hereinafter called the "Owner", hereby grants to the United States of America, hereinafter called the "Government", a temporary right-of-entry upon Owner's property described below, hereinafter called the "Property." This right-of-entry is granted upon the following terms and conditions:

1. The Government's officers, employees, agents, and contractors shall have the right to enter upon the Property for the purpose of conducting environmental assessments and property surveys, including the right to temporarily store, move and remove necessary equipment and supplies; survey, stake out, appraise, bore and take soil and/or water samples, and perform any other such work which may be necessary and incidental to the Government's assessment of the Property for Border Infrastructure Projects in the Rio Grande Valley Sector area of responsibility.
2. This right-of-entry is irrevocable for a period of Eighteen (18) months from the date of this instrument.
3. The rights granted herein include the right of ingress and egress on other lands of the Owner not described below, provided such ingress and egress is necessary to access the Property and is not otherwise conveniently available to the Government.
4. All tools, equipment, and other property taken upon or placed upon the land by the Government shall remain the property of the Government and may be removed by the Government at any time within a reasonable period after the expiration of this right-of-entry.
5. If any action of the Government's officers, employees, agents, or contractors in the exercise of this right-of-entry results in damage to real property, an administrative claim can be made using a Standard Form (SF) 95 (Claim for Injury, Damage, or Death). The SF 95 must include supporting documentation and state a claim for monetary damages in a sum certain amount for any alleged loss or damage of property and must be filed within two years after the claim accrues. Please submit the SF 95 and supporting documentation to the CBP Port of Entry or United States Border Patrol station nearest to where the alleged damages occurred.
6. The Property that is subject to this right-of-entry is located in the State of Texas, County of Starr, and is shown on the attached Exhibit Map.
7. I affirm that I have the authority to grant this right-of-entry onto the Property described above.

Border Infrastructure Project(s)

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Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

THE UNITED STATES OF AMERICA

Owner's signature

Owner's printed name

Owner's mailing address:

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Home Telephone: \_\_\_\_\_

Work Telephone: \_\_\_\_\_

By: \_\_\_\_\_  
Paul Enriquez  
Acquisition Program Manager  
Wall Program Management Office  
U.S. Border Patrol Program  
Management Office Directorate  
U.S. Border Patrol  
U.S. Customs and Border  
Protection  
Department of Homeland Security

Owner requires notification prior to entry. Yes No (please circle one)

If yes, please provide the primary and alternate point of contact (POC) and phone number and/or email.

Primary POC: \_\_\_\_\_

Alternate POC: \_\_\_\_\_

### **Border Infrastructure Project(s)**

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**CERTIFICATE OF AUTHORITY**  
*(applicable for Corporations and Organizations)*

I, \_\_\_\_\_ (name), certify that I am the \_\_\_\_\_  
(position held in organization) of the \_\_\_\_\_ (organization), duly organized  
and registered in the State of Texas; that \_\_\_\_\_ (executor of  
instrument), who signed the foregoing instrument on behalf of the grantee, was then  
\_\_\_\_\_ (position of executor of instrument) of said  
\_\_\_\_\_ (organization). I further certify that the said officer was acting  
within the scope of powers delegated to this officer by the governing body of the grantee in  
executing said instrument.

Signature:

Typed Name: \_\_\_\_\_

Title:

**NOTE: THE PERSON SIGNING THE ABOVE CERTIFICATE CANNOT BE THE SAME PERSON THAT SIGNED THE RIGHT-OF-ENTRY.**

Border Infrastructure Project(s)

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Tract No: RGV-RGC-1007

CONSENT OF TENANT: *(if applicable)*

I hereby consent to the use of the property by the Government in accordance with this right-of-entry.

Tenant's Signature \_\_\_\_\_

Tenant's Printed Name \_\_\_\_\_

Owner's Mailing Address:

  

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Home Telephone: \_\_\_\_\_

Work Telephone: \_\_\_\_\_

  

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Tenant requires notification prior to entry. Yes      No    (please circle one)

If yes, please provide the primary and alternate point of contact (POC) and phone number and/or email.

Primary POC: \_\_\_\_\_

Alternate POC: \_\_\_\_\_

